

UNITED STATES EASTERN DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI

MISSOURI STATE CONFERENCE OF	)	
THE NATIONAL ASSOCIATION	)	
FOR THE ADVANCEMENT OF	)	
COLORED	)	
PEOPLE, <i>et al.</i> ,	)	No: 4:14-cv-02077-RWS
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
FERGUSON-FLORISSANT SCHOOL	)	
DISTRICT,	)	
	)	
Defendants.	)	

**Consent Motion for Relief from Section 7 of this Court's Order and Judgment Relative to  
the Providing of Notice for the Upcoming April 7, 2020 Election, due to the Presidential  
Primary Election**

COMES NOW Defendant St. Louis County Board of Election Commissioners ("Election Board"), by and through counsel, with the consent of all parties, and asks that this Court provide relief from Section 7 of its Judgment and Order, subject to the conditions set forth below, relative to the notices to be provided for the upcoming April 7, 2020 school district election, and state as follows:

1. Section 7 of the Court's Judgment and Order requires that "For the 2019, 2020, and 2021 school board elections, the Board of Elections shall prepare a sample ballot for the school board election only with detailed instructions concerning the cumulative voting process."
2. Section 7 further provides that such notices shall go out one week prior to the commencement of absentee voting, absentee voting commences February 25, 2020.
3. Prior to the deadline for the filing required by Section 7, the Election Board contacted the parties to advise of a concern that could lead to voter confusion.

4. This year on March 10<sup>th</sup> there is a presidential primary election. Accordingly, if sample ballots were to be sent out in the time required by Section 7, voters would be receiving two different sample ballots (one for an April 7<sup>th</sup> election and one for a March 10<sup>th</sup> election) which could lead to significant confusion.

5. The parties have consented to the Election Board's proposal to instead send out the sample ballots required under Section 7, immediately following the March 10, 2020 primary election.

6. The purpose of the instant motion is to further the intent of the Judgment and Order to ensure voters are informed of the cumulative voting process and reduce the risk of possible voter confusion.

7. This will not be an issue for the 2021 April election as there are no primary elections to be conducted next March.

WHEREFORE St. Louis County Board of Election Commissioners respectfully requests that this Court grant this Consent Motion and allow for the sample ballots required under Section 7 of the Court's Judgment to be sent out immediately following the March 10, 2020, Presidential Primary Election.

CURTIS, HEINZ, GARRETT &  
O'KEEFE, P.C.

/s/ Steven W. Garrett  
Steven W. Garrett, #27756MO  
Edward Sluys, #60471MO  
130 South Bemiston, Suite 200  
Clayton, Missouri 63105  
314-725-8788  
314-725-8789 (fax)  
[sgarrett@chgolaw.com](mailto:sgarrett@chgolaw.com)  
[esluys@chgolaw.com](mailto:esluys@chgolaw.com)  
*Attorneys for Defendant St. Louis County  
Board of Election Commissioners*

**CERTIFICATE OF SERVICE AND COMPLIANCE**

I hereby certify that on February 26, 2020, I filed the foregoing document using the e-filing system, thereby serving electronic copies to all counsel of record.

/s/ Steven S. Garrett